

# STATEMENT OF CHANGES IN IMMIGRATION RULES

*Presented to Parliament pursuant to section 3(2) of  
the Immigration Act 1971*

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*Ordered by the House of Commons to be printed  
11 October 2018*

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*(This document is accompanied by an Explanatory Memorandum)*



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A copy of this Statement of Changes can be found on the visas and immigration pages of the GOV.UK website at [www.gov.uk/government/collections/immigration-rules-statement-of-changes](https://www.gov.uk/government/collections/immigration-rules-statement-of-changes)

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## **<sup>1</sup>STATEMENT OF CHANGES IN IMMIGRATION RULES**

The Home Secretary has made the changes hereinafter stated in the rules laid down by them as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (HC329), 29 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 7 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 28 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC523), 3 August 2004 (Cm 6297), 24 September 2004 (Cm 6339), 18 October 2004 (HC 1112), 20 December 2004 (HC 164), 11 January 2005 (HC 194), 7 February 2005 (HC 302), 22 February 2005 (HC 346), 24 March 2005 (HC 486), 15 June 2005 (HC 104), 12 July 2005 (HC 299), 24 October 2005 (HC 582), 9 November 2005 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 23 January 2006 (HC 819), 1 March 2006 (HC 949), 30 March 2006 (HC 1016), 20 April 2006 (HC 1053), 19 July 2006 (HC 1337), 18 September 2006 (Cm 6918), 7 November 2006 (HC 1702), 11 December 2006 (HC 130), 19 March 2007 (HC 398), 3 April 2007 (Cm 7074), 4 April 2007 (Cm 7075), 7 November 2007 (HC 28), 13 November 2007 (HC 40), 19 November 2007 (HC 82), 6 February 2008 (HC 321), 17 March 2008 (HC 420), 9 June 2008 (HC 607), 10 July 2008 (HC 951), 15 July 2008 (HC 971), 4 November 2008 (HC 1113), 9 February 2009 (HC 227), 9 March 2009 (HC 314), 24 April 2009 (HC 413), 9 September 2009 (Cm 7701), 23 September 2009 (Cm 7711), 10 December 2009 (HC 120), 10 February 2010 (HC 367), 18 March 2010 (HC 439), 28 June 2010 (HC 59), 15 July 2010 (HC 96), 22 July 2010 (HC 382), 19 August 2010 (Cm 7929), 1 October 2010 (Cm 7944), 21 December 2010 (HC 698), 16 March 2011 (HC 863), 31 March 2011 (HC 908), 13 June 2011 (HC 1148), 19 July 2011 (HC 1436), 10 October 2011 (HC 1511), 7 November 2011 (HC 1622), 8 December 2011 (HC 1693), 20 December 2011 (HC 1719), 19 January 2012 (HC 1733), 15 March 2012 (HC 1888), 4 April 2012 (Cm 8337), 13 June 2012 (HC 194), 9 July 2012 (HC 514), 19 July 2012 (Cm 8423), 5 September 2012 (HC 565), 22 November 2012 (HC 760), 12 December 2012 (HC 820), 20 December 2012 (HC 847), 30 January 2013 (HC 943), 7 February 2013 (HC 967), 11 March 2013 (HC 1038), 14 March 2013 (HC 1039), 9 April 2013 (Cm 8599), 10 June 2013 (HC 244), 31 July 2013 (Cm 8690), 6 September 2013 (HC 628), 9 October 2013 (HC 686), 8 November 2013 (HC 803), 9 December 2013 (HC 887), 10 December 2013 (HC 901), 18 December 2013 (HC 938), 10 March 2014

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<sup>1</sup> This Statement of Changes can be viewed at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

(HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198), 10 July 2014 (HC 532), 16 October 2014 (HC 693), 26 February 2015 (HC 1025), 16 March 2015 (HC1116), 13 July 2015 (HC 297), 17 September 2015 (HC 437), 29 October 2015 (HC535), 11 March 2016 (HC 877), 3 November 2016 (HC 667), 16 March 2017 (HC 1078), 20 July 2017 (HC 290), 7 December 2017 (HC 309), 15 March 2018 (HC 895), 15 June 2018 (HC 1154) and 20 July 2018 (Cm 9675).

## **Implementation**

The changes to Appendix 6 set out in paragraph A6.1 of this statement shall take effect on 1 January 2019 and will only apply to any decisions made on or after that date, save that where an applicant is required to provide a certificate in accordance with Appendix 6, and has submitted with their application a certificate which they requested from the Foreign and Commonwealth Office (FCO) before 1 January 2019 (the date on which the Joint Academic Coding System (JACS) codes change to Common Aggregation Hierarchy (CAH) codes and the FCO updates the list of courses which require a certificate), the old course codes in force on 31 December 2018, will be treated as valid on the certificate.

The changes to Appendix A set out in paragraphs A52 and A59, Appendix C set out in paragraphs C2 and C5, Appendix E set out in paragraph E1, Appendix EU set out in paragraphs EU1 to EU9 and Appendix KoLL set out in paragraphs KoLL1, KoLL2, KoLL3, KoLL7, KoLL8 and KoLL11 of this statement shall take effect on 1 November 2018. However, in relation to those changes, if an application has been made for entry clearance or leave to enter or remain before 1 November 2018, the application will be decided in accordance with the Immigration Rules in force on 31 October 2018.

The changes to Part 1, and the insertion of Appendix AR (EU), made by paragraphs 1.2 to 1.17 and paragraph AR(EU)1 of this statement, and the change to Appendix SN made by paragraph SN1 of this statement, shall take effect on 1 November 2018 and will apply in respect of applications made under Appendix EU on or after that date.

The other Immigration Rules changes set out in this statement shall take effect on 5 November 2018.

The Implementation provisions in the Statement of Changes in Immigration Rules presented to Parliament on 20 July 2018 (Cm 9675) shall be replaced from 1 November 2018 by the following provisions.

Appendix EU shall have effect (except for paragraphs EU12 and EU13 and condition 2 in the table in paragraph EU14, and for the entry for ‘family member of a qualifying British citizen’ and for ‘qualifying British citizen’ in the table at Annex 1) in relation to applications made under it before 22 December 2018 by an applicant who is:

- (a) An EU citizen (but not a British citizen); or
- (b) A non-EU citizen who has been issued by the Secretary of State with a residence card or permanent residence card under the Immigration (European Economic Area) Regulations 2016, on the basis of an application made on or after 6 April 2015,

where, at the date of application, the applicant also meets one of the criteria set out in (i) to (xv) below which apply from the following dates:

*From 1 November 2018:*

- (i) A person employed or engaged by one of the following institutions:

Liverpool Hope University;  
Liverpool John Moores University; or  
The University of Liverpool; or

- (ii) A person employed or engaged by one of the following institutions:

Aintree University Hospital NHS Foundation Trust;  
Blackpool Teaching Hospitals NHS Foundation Trust;  
Countess of Chester Hospital NHS Foundation Trust;  
East Lancashire Hospitals NHS Trust;  
Lancashire Teaching Hospitals NHS Foundation Trust;  
Liverpool Heart and Chest Hospital NHS Foundation Trust;  
Liverpool Women's NHS Foundation Trust;  
Manchester University NHS Foundation Trust;  
Salford Royal NHS Foundation Trust  
Southport and Ormskirk Hospital NHS Trust;  
Stockport NHS Foundation Trust;  
The Royal Liverpool and Broadgreen University Hospitals NHS Trust;  
The Walton Centre NHS Foundation Trust;  
Warrington and Halton Hospitals NHS Foundation Trust; or  
Wirral University Teaching Hospital NHS Foundation Trust; or

*In addition, from 15 November 2018:*

- (iii) A person employed or engaged by a Higher Education Institution or Overseas Higher Education Institution on the Tier 4 Register of Licensed Sponsors; or

(iv) A child being looked after (within the meaning of section 22(1) of the Children Act 1989) by, or a person who was such a child and is eligible for support or assistance under the Children Act 1989 (or under regulations made under that Act) from, one of the following local authorities:

Kent County Council;  
Lincolnshire County Council;  
London Borough of Haringey;  
London Borough of Waltham Forest; or  
Sheffield City Council; or

(v) A person receiving support from one of the following organisations:

Ashiana Sheffield, Knowle House, 4 Norfolk Park Road, Sheffield, S2 3QE;  
Coram Children's Legal Centre, Riverside Office Centre, Century House  
North, North Station Road, Colchester, CO1 1RE;  
East European Resource Centre, Room 18-19, 238-246 King Street, London,  
W6 0RF;  
Rights of Women, 52-54 Featherstone Street, London, EC1Y 8RT;  
St Vincent Support Centre, Curtis Building, 4 Barking Avenue, Leeds, LS9  
9LF;  
The Cardinal Hume Centre, 3-7 Arneway Street, Horseferry Road, London,  
SW1P 2BG; or  
The Roma Support Group, Alan Shelley House, 318 Barking Road, London,  
E13 8HL; or

*In addition, from 29 November 2018:*

(vi) A person employed or engaged by one of the following institutions or organisations:

An NHS Foundation Trust in England;  
An NHS Trust in England;  
Care Quality Commission;  
Health Education England;  
Health Research Authority;  
Human Fertilisation and Embryology Authority;  
Human Tissue Authority;  
Medicines and Healthcare Products Regulatory Agency;  
National Institute for Health and Care Excellence;  
NHS Blood and Transplant;  
NHS Business Services Authority;  
NHS Counter Fraud Authority;  
NHS Digital (the Health and Social Care Information Centre);  
NHS England (the NHS Commissioning Board);  
NHS Improvement (Monitor and the NHS Trust Development Authority);  
NHS Resolution (the NHS Litigation Authority); or  
Public Health England; or

(vii) A person employed or engaged by one of the following institutions or organisations:



A Local Health Board in Wales;  
Health Education & Improvement Wales;  
Public Health Wales;  
The Welsh Ambulance Service; or  
Velindre NHS Trust; or

(viii) A person employed or engaged by one of the following institutions or organisations:

A Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978;  
Common Services Agency for the Scottish Health Service (established under section 10 of that Act);  
Healthcare Improvement Scotland (established by section 10 of that Act);  
Social Care and Social Work Improvement Scotland (known as the Care Inspectorate) established under section 44 of the Public Services (Reform) (Scotland) Act 2010; or  
Scottish Social Services Council established under section 43 of the Regulation of Care (Scotland) Act 2001; or

(ix) A person employed or engaged by one of the following institutions or organisations:

A Health and Social Care Trust in Northern Ireland;  
Northern Ireland Blood Transfusion Service;  
Northern Ireland Guardian Ad Litem Agency;  
Northern Ireland Medical and Dental Training Agency;  
Northern Ireland Practice and Education Committee;  
Northern Ireland Social Care Council;  
Patient and Client Council;  
Regional Agency for Public Health and Social Well-being (the Public Health Agency);  
Regional Business Services Organisation;  
Regional Health and Social Care Board; or  
Regulation and Quality Improvement Authority; or

(x) A person who is employed:

(a) To provide, or to support the provision of, regulated activities as prescribed in Schedule 1 (read with Schedule 2) to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (S.I. 2014/2936), and who is also employed or engaged by an institution or organisation registered with the Care Quality Commission; or  
(b) For the purposes of an establishment or agency in Wales regulated under Part 2 of the Care Standards Act 2000; or  
(c) For the purposes of a service regulated under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or

- (xi) A person who is employed or engaged by a party to:
- (a) A general medical services contract to provide primary medical services, or an agreement for the provision of primary medical services under section 50 of the NHS (Wales) Act 2006; or
  - (b) A general dental services contract to provide primary dental services, or an agreement for the provision of primary dental services under section 64 of the NHS (Wales) Act 2006; or
- (xii) A person who:
- (a) Is providing care services as defined in section 47(1) of the Public Services Reform (Scotland) Act 2010 and registered under that Act; or
  - (b) Is employed or engaged by an organisation registered with Social Care and Social Work Improvement Scotland; or
  - (c) Is, or who is employed or engaged in connection with the provision of services under the National Health Service (Scotland) Act 1978 by, a party (other than a Health Board) to:
    - an arrangement to provide services under section 2C of that Act;
    - an agreement to provide services under section 17C of that Act;
    - a contract to provide services under section 17J of that Act; or
    - an arrangement to provide services under section 25, 26 or 27 of that Act;
- or
- (xiii) A person who is employed or engaged by a General Practitioner Federation or by any entity with which the Northern Ireland Regional Health and Social Care Board has a contract or an arrangement under the Health and Personal Social Services (Northern Ireland) Order 1972 to provide Family Practitioner Services; or
- (xiv) A person who is employed or engaged by a body registered with, or monitored or inspected by, the Regulation and Quality Improvement Authority, and who, if that body were in England and they were employed or engaged by it, would meet the criteria set out in (x)(a), above; or
- (xv) A person employed or engaged by, or registered with, one of the following organisations:
- General Chiropractic Council;
  - General Dental Council;
  - General Medical Council;
  - General Optical Council;
  - General Osteopathic Council;
  - General Pharmaceutical Council;
  - Health and Care Professions Council;
  - Northern Ireland Social Care Council;
  - Nursing and Midwifery Council;
  - Pharmaceutical Society of Northern Ireland;
  - Scottish Social Services Council (under the Regulation of Care (Scotland) Act 2001); or

## **Review**

Before the end of each review period, the Secretary of State undertakes to review all of the relevant Immigration Rules including any Relevant Rule amended or added by these changes. The Secretary of State will set out the conclusions of the review in a report and publish the report.

The report must in particular:

- (a) consider each of the Relevant Rules and whether or not each Relevant Rule achieves its objectives and is still appropriate; and
- (b) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

“Review period” means:

- (a) the period of five years beginning on 6 April 2017; and
- (b) subject to the paragraph below, each successive period of five years.

If a report under this provision is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

“Relevant Rule” means an Immigration Rule which:

- (a) imposes requirements, restrictions or conditions, or sets standards, in relation to any activity carried on by a business or voluntary or community body; or
- (b) relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions or standards which relate to any activity carried on by a business or voluntary or community body.

## **Changes to Part 1**

1.1 For paragraphs 34-34K, substitute the following:

### **“How to make a valid application for leave to remain in the UK**

34. An application for leave to remain must be made in accordance with subparagraphs (1) to (9) below.

- (1) (a) Subject to paragraph 34(1)(c), the application must be made on an application form which is specified for the immigration category under which the applicant is applying on the date on which the application is made.
- (b) An application form is specified when it is posted on the visa and immigration pages of the GOV.UK website.
- (c) An application can be made on a previous version of a specified paper application form (and shall be treated as made on a specified form) as long as it is no more than 21 days out of date.
- (2) All mandatory sections of the application form must be completed.
- (3) Where the applicant is required to pay a fee, this fee must be paid in full in accordance with the process set out in the application form.
- (4) Where the applicant is required to pay the Immigration Health Surcharge, this must be paid in accordance with the process set out on the visa and immigration pages of the GOV.UK website.
- (5) (a) Subject to paragraph 34(5)(c), the applicant must provide proof of identity as described in 34(5)(b) below and in accordance with the process set out in the application form.
- (b) Proof of identity for the purpose of this paragraph means:
- (i) a valid passport or, if an applicant (except a PBS applicant) does not have a valid passport, a valid national identity card; or
  - (ii) if the applicant does not have a valid passport or national identity card, their most recent passport or (except a PBS applicant) their most recent national identity card; or
  - (iii) if the applicant does not have any of the above, a valid travel document.
- (c) Proof of identity need not be provided where:
- (i) the applicant's passport, national identity card or travel document is held by the Home Office at the date of application; or
  - (ii) the applicant's passport, nationality identity card or travel document has been permanently lost or stolen and there is no functioning national government to issue a replacement; or
  - (iii) the applicant's passport, nationality identity card or travel

document has been retained by an employer or other person in circumstances which have led to the applicant being the subject of a positive conclusive grounds decision made by a competent authority under the National Referral Mechanism; or

(iv) the application is for limited leave to enable access to public funds pending an application under paragraph 289A of, or under Part 6 of Appendix Armed Forces or section DVILR of Appendix FM to these Rules; or

(v) the application is made under Part 14 of these Rules for leave as a stateless person or as the family member of a stateless person; or

(vi) the application was made by a person in the UK with refugee leave or humanitarian protection; or

(vii) the applicant provides a good reason beyond their control why they cannot provide proof of their identity.

(6) Where any of paragraph 34(5)(c)(ii)-(vii) applies, the Secretary of State may ask the applicant to provide alternative satisfactory evidence of their identity and nationality.

(7) Where the main applicant is under the age of eighteen, their parent or legal guardian must provide written consent to the application.

(8) Where the application is made on a paper application form, it must be sent by pre-paid post or courier to the address on the application form.

(9) An applicant must comply with the application process set out on the visa and immigration pages on GOV.UK and in the invitation to enrol biometrics which is provided as part of the application process in relation to –

(a) making an appointment to provide biometrics, and

(b) providing any evidence requested by the Secretary of State in support of their application.

### **Invalid applications**

34A. Subject to paragraph 34B, where an application for leave to remain does not meet the requirements of paragraph 34, it is invalid and will not be considered.

34B. (1) Where an application for leave to remain does not meet the requirements of paragraph 34(1)-(9), the Secretary of State may notify the applicant and give them one opportunity to correct the error(s) or

omission(s) identified by the Secretary of State within the timescale specified in the notification.

(2) Where an applicant does not comply with the notification in paragraph 34B(1), or with the requirements in paragraph 34(G)(4), the application is invalid and will not be considered unless the Secretary of State exercises discretion to treat an invalid application as valid and the requirements of paragraph 34(3) and (5) have been met.

(3) Notice of invalidity will be given in writing and served in accordance with Appendix SN of these Rules.

### **Multiple Applications**

34BB. (1) An applicant may only have one outstanding application for leave to remain at a time.

(2) If an application for leave to remain is submitted in circumstances where a previous application for leave to remain has not been decided, it will be treated as a variation of the previous application.

(3) Where more than one application for leave to remain is submitted on the same day then subject to sub-paragraph (4), each application will be invalid and will not be considered.

(4) The Secretary of State may give the applicant a single opportunity to withdraw all but one of the applications within 10 working days of the date on which the notification was sent. If all but one of the applications are not withdrawn by the specified date each application will be invalid and will not be considered.

(5) Notice of invalidity will be given in writing and served in accordance with Appendix SN of these Rules.

### **Dependent applicants applying at the same time as the main applicant**

34C. A dependent applicant can be included on a main applicant's application form where the application form allows the dependant to be included.

34D. DELETED

### **Variation of Applications or Claims for Leave to Remain**

34E. If a person wishes to vary the purpose of an application for leave to remain in the United Kingdom, the variation must comply with the requirements of paragraph 34 (as they apply at the date the variation is made) as if the variation were a new application. If it does not, subject to paragraph

34B, the variation will be invalid and will not be considered.

34F. Any valid variation of a leave to remain application will be decided in accordance with the immigration rules in force at the date such variation is made.

**Date an application (or variation of an application) for leave to remain is made**

34G. For the purposes of these rules, the date on which an application (or a variation of application in accordance with paragraph 34E is made is:

- (1) where the paper application form is sent by post by Royal Mail, whether or not accompanied by a fee waiver request form, the date of posting as shown on the tracking information provided by Royal Mail or, if not tracked, by the postmark date on the envelope; or
- (2) where the paper application form is sent by courier, or other postal services provider, the date on which it is delivered to the Home Office; or
- (3) where the application is made via the online application process, and there is no request for a fee waiver, the date on which the online application is submitted; or
- (4) where the online application includes a request for a fee waiver, the date on which the online request for a fee waiver is submitted, as long as the completed application for leave to remain is submitted within 10 days of the receipt of the decision on the fee waiver application.
- (5) Notice of invalidity under paragraph 34G(4) will be given in writing and served in accordance with Appendix SN of these Rules.

34H.-34I. DELETED

**Withdrawn applications for leave to remain in the United Kingdom**

34J. The proof of identity provided under paragraph 34(5) will be returned to the applicant whilst their application is being considered, unless the Secretary of State considers it necessary to retain it. Where the Secretary of State has retained an applicant's proof of identity and the applicant requests the return of their passport for the purpose of travel outside the common travel area, the application for leave shall, provided it has not already been determined, be treated as withdrawn on the date that request is received by the Home Office.

34K. Where proof of identity provided under paragraph 34(5) has been returned to the applicant pending a decision on their application for leave to remain and the applicant travels outside the common travel area their

application for leave to remain shall, provided that it has not been determined, be treated as withdrawn on the date that the applicant left the common travel area.”.

- 1.2 In paragraph 34N(1), after “Unless sub-paragraph (2)” insert “or (2A)”.
- 1.3 In paragraph 34N(2), after “A further application for administrative review in respect of an eligible decision” insert “as set out in Appendix AR”.
- 1.4 At the end of paragraph 34N(2), insert:

“(2A) A further application for administrative review in respect of an eligible decision under Appendix AR (EU) may be made where a decision is withdrawn and a new decision made in accordance with paragraph AR(EU)2.2. of Appendix AR (EU).”.
- 1.5 In paragraph 34N(3), after “An application for administrative review of an eligible decision” insert “under Appendix AR”.
- 1.6 In paragraph 34N(4), after “during the time within which an application for administrative review” insert “under Appendix AR”.
- 1.7 In paragraph 34N(4), after “an application for administrative review of the eligible decision may not be made” insert “under Appendix AR”.
- 1.8 In paragraph 34O(1), after “Where the eligible decision” insert “under Appendix AR”.
- 1.9 In paragraph 34O(2), after “Where the eligible decision” insert “under Appendix AR”.
- 1.10 At the end of paragraph 34O(2), insert:

“(3) Where the eligible decision has been made under Appendix EU, the application for administrative review must be made in accordance with paragraph 34U.”.
- 1.11 In paragraph 34Q, for “The application must be made” substitute “An application under Appendix AR must be made”.
- 1.12 At the end of paragraph 34Q insert:

“34QA An application under Appendix AR (EU) of these Rules may be brought from either inside or outside the UK.”.
- 1.13 In paragraph 34R(1), for “The application must be made” substitute “An application under Appendix AR must be made”.



- 1.14 At the end of paragraph 34R(1), insert:
- “34R(1A) An application under Appendix AR (EU) must be made no more than 28 days after receipt by the applicant of the notice of the eligible decision.”.
- 1.15 In paragraph 34R(2), after “paragraph 34N(2)” insert “or 34N(2A)”.
- 1.16 In paragraph 34U(3)(c), for “7” substitute “seven”.
- 1.17 At the end of paragraph 34X(4), insert:
- “(5) Sub-paragraphs (1) and (2) above do not apply to an application for administrative review made under Appendix AR (EU).”.
- 1.18 In paragraph 39B(d), for “must be originals, not copies, except where stated otherwise.” substitute “may be originals or copies.”.
- 1.19 In paragraph 39B(f), for “the original” substitute “the version in the original language”.
- 1.20 In paragraph 39B(f)(ii), delete “original”.

#### **Changes to Part 5**

- 5.1 For paragraph 134SD(A)(a)(iii), substitute:
- “(iii) either:
- (1) a formal payslip issued by the employer and showing the employer’s name, or
  - (2) accompanied by a letter from the applicant’s employer, on company headed paper and signed by a senior official, confirming the payslip is authentic.”.
- 5.2 In paragraph 134SD(A)(c)(ii), delete “either”.
- 5.3 At the end of paragraph 134SD(A)(c)(i)(5), for “, and”, substitute “;”.
- 5.4 Delete paragraph 134SD(A)(c)(ii).
- 5.5 In paragraph 134SDB, delete “original”.
- 5.6 In paragraph 142-SD(b), delete “original”.
- 5.7 In paragraph 144-SD(a)(ii), for “an original” substitute “a”.

- 5.8 In paragraph 144-SD(b)(1), delete “original”.
- 5.9 In paragraph 144-SD(b)(2), delete “original”.
- 5.10 In paragraph 144-SD(b)(2)(e), delete “original”.
- 5.11 In paragraph 144-SD(c)(2), for “an original” substitute “a”.
- 5.12 In paragraph 150-SD(b), delete “original”.
- 5.13 In paragraph 158-SD(b), delete “original”.
- 5.14 In paragraph 159G-SD(b), delete “original”.
- 5.15 In paragraph 167-SD(b), delete “original”.
- 5.16 In paragraph 176-SD(b), delete “original”.
- 5.17 In paragraph 184-SD(b), delete “original”.
- 5.18 In paragraph 192-SD, delete “original”.

**Changes to Part 6A**

- 6A.1 For paragraph 245AA(b)(i) substitute “specified evidence is missing from the documents; or”.
- 6A.2 Delete paragraph 245AA(b)(iii).
- 6A.3 In paragraph 245AA(b) for “Such a request will only be made once, and the” substitute “The”.
- 6A.4 For paragraph 245AA(c) substitute:

“Documents will not be requested where the decision maker does not think that the submission of missing or correct documents will lead to a grant because the application will be refused for other reasons.”.
- 6A.5 For paragraph 245AA(d) substitute:

“If the applicant has omitted to provide specified evidence, or submitted it in the wrong format, but the missing information is verifiable from other documents provided with the application or elsewhere, the decision maker may grant the application despite the error or omission, if they are satisfied that the applicant meets all the other requirements of the Rules.”.
- 6A.6 In paragraph 245A, delete “original”.

- 6A.7 In paragraph 245DB(r), delete “either an original or scanned copy of”.
- 6A.8 In paragraph 245EB(f), delete “either an original or scanned copy of”.
- 6A.9 For paragraph 245GF-SD(A)(a)(iii), substitute:
- “(iii) either:
- (1) a formal payslip issued by the Sponsor and showing the Sponsor’s name, or
  - (2) accompanied by a letter from the applicant’s sponsor, on company headed paper and signed by a senior official, confirming the payslip is authentic.”
- 6A.10 At the end of paragraph 245GF-SD(A)(c)(i)(5), for “and”, substitute “.”.
- 6A.11 Delete paragraph 245GF-SD(A)(c)(ii).
- 6A.12 In paragraph 245GF-SD(B), delete “original”.
- 6A.13 In paragraph 245GF-SD(C)(c)(i), for “An original” substitute “A”.
- 6A.14 In paragraph 245GF-SD(C)(c)(i), delete “original” the second time it occurs.
- 6A.15 In paragraph 245GF-SD(C)(c)(iii)(3), for “an original” substitute “a”.
- 6A.16 In paragraph 245HB (q), delete “either an original or scanned copy of”.
- 6A.17 In paragraph 245HD(d)(vii), for “an original” substitute “a”.
- 6A.18 For paragraph 245HH(A)(a)(iii), substitute:
- “(iii) either:
- (1) a formal payslip issued by the Sponsor and showing the Sponsor’s name, or
  - (2) accompanied by a letter from the applicant’s sponsor, on company headed paper and signed by a senior official, confirming the payslip is authentic.”
- 6A.19 At the end of paragraph 245HH(A)(c)(i)(5), for “and” substitute “.”.
- 6A.20 Delete paragraph 245HH(A)(c)(ii).
- 6A.21 In paragraph 245HH(B), delete “original”.
- 6A.22 In paragraph 245ZS(e), delete “original”.

- 6A.23 In paragraph 245ZV(ja), for “One of the following original, or notarised copy, documents can be used” substitute “A copy of one of the following documents can be used”.
- 6A.24 In paragraph 245ZX(ka), for “One of the following original, or notarised copy, documents can be used” substitute “A copy of one of the following documents can be used”.
- 6A.25 In paragraph 245ZZA(ha), for “One of the following original, or notarised copy, documents can be used” substitute “A copy of one of the following documents can be used”.
- 6A.26 In paragraph 245ZZC(ia), for “One of the following original, or notarised copy, documents can be used” substitute “A copy of one of the following documents can be used”.

### **Changes to Part 7**

- 7.1 In paragraph 269(v), delete “original”.

### **Changes to Part 8**

- 8.1 In paragraph 284(ix)(a), delete “original”.
- 8.2 In paragraph 295D(xi)(a), delete “original”.
- 8.3 In paragraph 319C(k), delete “either an original or scanned copy of”.
- 8.4 In paragraph 319O(i)(b), delete “original”.

### **Changes to Part 11**

- 11.1 After paragraph 352H, insert:

#### **“Calais leave to remain in the United Kingdom**

352I. Paragraphs 352I to 352X only apply to a person who was transferred to the United Kingdom:

- (i) from 17 October 2016 to 13 July 2017 inclusive; and
- (ii) in connection with the clearing of the Calais migrant camp; and
- (iii) for the purpose of being reunited with family in the United Kingdom,

and either:

- (a) as part of the expedited process operated by the Secretary of State;
- (b) pursuant to an order of the Tribunal; or

(c) under the Dublin III Regulation.

### **Grant of Calais leave**

352J. The person described in paragraph 325I will be granted Calais leave to remain in the United Kingdom (“Calais leave”) for a period of five years if the Secretary of State is satisfied that:

- (i) the person is not excluded from being a refugee under regulation 7 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006 or excluded from a grant of humanitarian protection under paragraph 339D of these Rules;
- (ii) the person’s application for refugee status or humanitarian protection has been refused;
- (iii) there are no reasonable grounds for regarding the person as a danger to the security of the United Kingdom;
- (iv) the person has not been convicted by a final judgment of a particularly serious crime, and does not constitute a danger to the community of the United Kingdom; and
- (v) none of the general grounds for refusal in paragraph 322 apply.

352K. At the end of the five-year period, if each of the requirements of paragraph 352J continue to be met, the person will be granted Calais leave for a further period of five years.

### **Persons previously granted a form of protection**

352L. Where a person was transferred to the UK in accordance with paragraph 352I and, having been granted refugee status or humanitarian protection, that person has had their status ended or refused under either paragraph 339A or paragraph 339G of the Immigration Rules following a review, that person will be entitled to a grant of Calais leave providing that the requirements of paragraph 352J (except sub-paragraph (ii)) are met.

### **Residence Permits**

352M. The Secretary of State will issue to a person granted Calais leave a residence permit as soon as possible after the grant of Calais leave. The residence permit will be valid for five years.

352N. The Secretary of State will issue a residence permit to a dependant of a person granted Calais leave in accordance with paragraph 352T.

352O. The Secretary of State may revoke or refuse to renew a person’s residence permit where their grant of Calais leave is revoked under the provisions in these Rules.

352P. At the end of the five-year period, if the person's Calais leave has been renewed, they will be issued with another residence permit, valid for a further period of five years.

### **Requirements for indefinite leave to remain for a person granted Calais leave**

352Q. A person may apply for indefinite leave to remain under paragraph 352S where:

- (i) they have been granted Calais leave for a continuous period of ten years; or
- (ii) having been granted Calais leave under paragraph 352L, they have been granted leave to remain in the UK for a continuous period of ten years.

352R. The requirements for indefinite leave to remain for a person described in paragraph 352Q are that:

- (i) each of the requirements of paragraph 352J continue to be met;
- (ii) the person has held residence permits issued under paragraph 352M, 352N or 352P, and, in the case of a person to whom paragraph 352L applies, paragraph 339Q(i)-(iii), for a continuous period of ten years in the UK;
- (iii) the person's residence permit has not been revoked; and
- (iv) the person has not in the view of the Secretary of State, at the date on which the application has been decided, demonstrated the undesirability of granting settlement in the United Kingdom in light of his or her conduct (including convictions which do not fall within paragraphs 339R(iii)(a-e)), character or associations or the fact that he or she represents a threat to national security.

### **Indefinite leave to remain for a person granted Calais leave**

352S. Indefinite leave to remain will, on application, be granted to a person described in paragraph 352Q where each of the requirements in paragraph 352R is met.

### **Dependants of a person granted Calais leave**

352T. The dependent child of a person granted leave to remain under paragraph 352J or 352S, will be granted leave to enter or remain for the same duration as that person ("leave in line") provided that the requirements of paragraph 352J (except for (ii)); and 352R (iv) are met. For the purposes of this paragraph, a dependent child means a child who is under 18 years of age and for whom the person has parental responsibility.

### **Curtailment and Revocation of Calais leave**

352U. A person's grant of leave under paragraph 352J or 352S may be curtailed or revoked if any of the grounds in paragraph 323 apply.

352V. Any curtailment or revocation of a person's leave under paragraph 352U shall also apply to any leave in line granted to a dependent child of that person.

### **Travel documents**

352W. Following receipt of a completed application for a travel document, the Secretary of State will issue to a person granted Calais leave, unless compelling reasons of national security or public order otherwise require, a travel document if that person can demonstrate they are unable to obtain a national passport or other identity documents which enable that person to travel.

352X. Where the person referred to in paragraph 352W can obtain a national passport or identity documents but has not done so, the Secretary of State will issue that person with a travel document if that person can show that they have made reasonable attempts to obtain a national passport or identity document and there are compelling reasons for travel.”.

### **Changes to Appendix 6**

A6.1 For Appendix 6, substitute:

#### **“Immigration Rules Appendix 6: academic subjects that need a certificate**

Disciplines for which an Academic Technology Approval Scheme certificate from the Foreign and Commonwealth Office is required.

##### 1. Doctorate or Masters by research:

Subjects allied to Medicine:

CAH codes:

CAH02-02-01 - Pharmacology

CAH02-02-02 - Toxicology

CAH02-02-03 - Pharmacy

CAH10-01-06 - Bioengineering, Medical and Biomedical Engineering

CAH02-03-12 - Others in subjects allied to Medicine

Biological Sciences:

CAH codes:

CAH03-01-02 - Biology (non-specific)

CAH03-01-03 - Ecology and Environmental Biology

CAH03-01-06 - Zoology

CAH03-01-04 - Microbiology and Cell Science

CAH03-01-05 - Plant Sciences

CAH10-02-05 - Biotechnology

CAH03-01-07 - Genetics

CAH02-03-10 - Biomedical Sciences (non-specific)

CAH03-01-08 - Molecular Biology, Biophysics and Biochemistry

CAH03-01-01 - Biosciences (non-specific)  
CAH03-01-10 - Others in Biological Sciences

Veterinary Sciences, Agriculture and related subjects:  
CAH codes:  
CAH05-01-02 - Others in Veterinary Sciences  
CAH06-01-02 - Agricultural sciences

Physical Sciences:  
CAH codes:  
CAH-07-02-01 - Chemistry  
CAH-07-03-03 - Materials Science  
CAH07-01-01 - Physics  
CAH07-01-02 - Astronomy  
CAH12/01/05 - Others in Geographical Studies  
CAH07/03/01 - Physical Sciences (non-specific)  
CAH08-01-01 - Sciences (non-specific)  
CAH08-01-02 - Natural Sciences (non-specific)

Mathematical and Computer Sciences:  
CAH codes:  
CAH09-01-01 - Mathematics  
CAH09-01-02 - Operational Research  
CAH11-01-01 - Computer Science  
CAH11-01-02 - Information Technology  
CAH11-01-03 - Information Systems  
CAH11-01-04 - Software Engineering  
CAH11-01-05 - Artificial Intelligence

Engineering:  
CAH codes:  
CAH10-01-01 - Engineering (non-specific)  
CAH10-01-07 - Civil Engineering  
CAH10-01-02 - Mechanical Engineering  
CAH10-01-04 - Aeronautical and Aerospace Engineering  
CAH10-01-05 - Naval Architecture  
CAH10-01-08 - Electronic and Electrical Engineering  
CAH10-01-09 - Chemical, Process and Energy Engineering

Technologies:  
CAH codes:  
CAH10-02-03 - Polymers and Textiles  
CAH10-02-01 - Minerals Technology  
CAH10-02-02 - Materials Technology  
CAH10-02-04 - Maritime Technology

2. Taught Masters:



CAH codes:

CAH07-03-03 - Materials Science

CAH07-01-01 - Physics (including Nuclear Physics)

CAH10-01-02 - Mechanical Engineering

CAH10-01-04 - Aeronautical and Aerospace Engineering

CAH10-01-09 - Chemical, Process and Energy Engineering

CAH10-02-01 - Minerals Technology

CAH10-02-02 - Materials Technology”.

### **Changes to Appendix 7**

A7.1 For “originals” where it first occurs, substitute “copies”.

### **Changes to Appendix A**

A1. In paragraph 6A(a)(i)(1), delete “original”.

A2. In paragraph 41(a)(vi), for “An original” substitute “A”.

A3. In paragraph 41(a)(x), delete “original”.

A4. Delete paragraph 41(b)(1).

A5. In paragraph 44(d)(i)(1), delete “be original or, if not,”.

A6. In paragraph 44(d)(ii), delete “original”.

A7. In paragraph 45(g), for “an original,” substitute “a”.

A8. At the end of paragraph 45(g)(ii), delete “and”.

A9. At the end of paragraph 45(g)(iii), for “,” substitute “, and”.

A10. After paragraph 45(g)(iii), insert:

“(iv) confirmation that the venture capital firm will verify the contents of the letter to the Home Office on request.”.

A11. In paragraph 50(g), for “an original” substitute “a”.

A12. In paragraph 51(b)(ii), “an original,” substitute “a”.

A13. In paragraph 59, for “an original” substitute “a”.

A14. In paragraph 61-SD(a)(i), delete “original”.

- A15. In paragraph 61-SD(b), for “an original” substitute “a”.
- A16. In paragraph 64-SD(a)(i), for “an original” substitute “a”.
- A17. In paragraph 64-SD(a)(ii)(4), delete “original”.
- A18. In paragraph 64-SD(a)(iii), for “Original personal” substitute “Personal”.
- A19. In paragraph 64-SD(a)(iv), for “an original” substitute “a”.
- A20. In paragraph 64-SD(b), for “an original” substitute “a”.
- A21. In paragraph 64A-SD(a), for “Original documents” substitute “Documents”.
- A22. In paragraph 64A-SD(a)(ii), for “an original” substitute “a”.
- A23. In paragraph 64A-SD(a)(iv), for “an original” substitute “a”.
- A24. In paragraph 64A-SD(a)(vi), for “an original” substitute “a”.
- A25. In paragraph 64A-SD(a)(viii), for “an original” substitute “a”.
- A26. In paragraph 64A-SD(a)(x), for “an original” substitute “a”.
- A27. In paragraph 64A-SD(a)(xi), for “an original” substitute “a”.
- A28. In paragraph 64A-SD(a)(xii), for “an original” substitute “a”.
- A29. In paragraph 64A-SD(a)(xiii), delete “original”.
- A30. In paragraph 64C-SD, for “an original” substitute “a”.
- A31. In paragraph 65-SD(c)(iii), for “An original” substitute “A”.
- A32. In paragraph 70(c), delete “original”.
- A33. In paragraph 72(a)(i), delete “original”.
- A34. In paragraph 72(a)(ii)(2), delete “original” in both places.
- A35. In paragraph 72(b)(4), delete “original”.
- A36. In paragraph 72(d), delete “original”.
- A37. In paragraph 72(e), for “an original” substitute “a”.

- A38. In paragraph 74C-SD(a)(i), for “Original formal” substitute “Formal”.
- A39. In paragraph 74C-SD(c)(i), delete “original” in both places.
- A40. In paragraph 74C-SD(c)(ii)(1), for “An original” substitute “A”.
- A41. In paragraph 74C-SD(c)(iii)(3), for “an original” substitute “a”.
- A42. In paragraph 74C-SD(d)(i), for “An original” substitute “A”.
- A43. In paragraph 100(b), delete “original”.
- A44. In paragraph 111(a)(ii), delete “original”.
- A45. In paragraph 111(f)(vi)(1), delete “original”.
- A46. In paragraph 111(f)(vi)(4)(a), delete “original”.
- A47. In paragraph 111(f)(vi)(4)(b), delete “original”.
- A48. In paragraph 111(f)(vi)(4)(c), delete “original”.
- A49. In paragraph 111(f)(vi)(4)(e), delete “original”.
- A50. In paragraph 111(f)(viii)(1), delete “original”.
- A51. In paragraph 111-SD(a)(i), delete “original”.
- A52. For paragraph 118(a), substitute:

“(a) the applicant supplies, as evidence of previous qualifications, one or more of the specified documents set out in paragraphs 120-SD(a)(i) to (iii), that the applicant used to obtain the offer of a place on a course from the sponsor, unless the applicant:

- (i) is sponsored by a sponsor with Tier 4 Sponsor status, and
- (ii) is a national of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H, and
- (iii) is applying for entry clearance in the country or territory where they are living, or leave to remain in the UK,

in which case, the specified documents shall not be required. The Home Office reserves the right to request the specified documents set out in paragraphs 120-SD(a)(i) to (iii) from these applicants. The application will be refused if the specified documents are not provided in accordance with the request made; and”.

- A53. In paragraph 120-SD(a)(i), delete “original”.
- A54. In paragraph 120-SD(a)(ii), delete “(which, unless the applicant has applied for their course through UCAS (Universities and Colleges Admission Service) and the applicant is applying in the UK to study at a Higher Education Institution which has Tier 4 status and the qualification is issued by a UK awarding body for a course that the applicant has studied in the UK, must be an original)”.
- A55. In paragraph 120-SD(a)(iii), delete “original” in the first place it occurs.
- A56. In paragraph 120-SD(a)(iii), delete “(or a copy, together with an original letter from the Tier 4 sponsor confirming it is a true copy of the reference they assessed)”.
- A57. In paragraph 120-SD(a)(iv), for “an original” substitute “a”.
- A58. In paragraph 120-SD(b)(2), for “an original” substitute “a”.
- A59. For paragraph 125A(b), substitute:

“(b)

- (i) is sponsored by a sponsor with Tier 4 Sponsor status, and
- (ii) is a national of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H, and
- (iii) is applying for entry clearance in the country or territory where they are living, or leave to remain in the UK,

in which case the specified documents shall not be required. The Home Office reserves the right to request the specified documents set out in paragraph 125-SD from these applicants. The application will be refused if the specified documents are not provided in accordance with the request made; or”.

- A60. In paragraph 125-SD(a)(i), delete “original”.
- A61. In paragraph 125-SD(a)(ii), delete “original”.

### **Insertion of new Appendix AR (EU)**

AR(EU)1. After Appendix AR: administrative review, insert:

**“Appendix AR (EU)**

**Eligible decisions**

AR(EU)1.1. An applicant may only apply for an administrative review where an eligible decision has been made under Appendix EU, an eligible decision being a decision to:

(a) Refuse their application under paragraph EU6 of Appendix EU because the applicant does not meet the eligibility requirements for indefinite leave to remain under paragraph EU11 or EU12 or for limited leave to remain under paragraph EU14; or

(b) Grant limited leave to remain under paragraph EU3 and not indefinite leave to remain under paragraph EU2.

AR(EU)1.2. An applicant may not apply for an administrative review where a decision has been made under Appendix EU to refuse their application under paragraph EU6 on suitability grounds as set out in paragraph EU15 or EU16.

AR(EU)1.3. An applicant may not apply for an administrative review where their application under Appendix EU has been rejected as invalid under paragraph EU10.

### **Consideration**

AR(EU)2.1. The person considering the administrative review on behalf of the Secretary of State (“the reviewer”) will decide whether the decision is incorrect because:

(a) The decision-maker failed to apply, or incorrectly applied, Appendix EU;

(b) The decision-maker failed to apply, or incorrectly applied, the published guidance in relation to the application; or

(c) Information or evidence that was not before the decision-maker has been provided to the reviewer which shows that the applicant qualifies for a grant, or a different grant, of leave under Appendix EU.

AR(EU)2.2. Where the reviewer considers that the decision is incorrect in accordance with paragraph AR(EU)2.1., the decision will be withdrawn and a new decision made. Otherwise, the decision will be maintained.

AR(EU)2.3. The reviewer will consider any information and evidence submitted with the application for administrative review, including information and evidence that was not before the original decision-maker.

AR(EU)2.4. The reviewer may contact the applicant or their representative to request further information or evidence, to be provided within a reasonable timeframe specified in the request.

AR(EU)2.5. The reviewer will notify the applicant of the outcome of the

administrative review by notice under Appendix SN.

### **Applications for administrative review**

AR(EU)3.1. A valid application for administrative review under this Appendix must be made in accordance with paragraphs 34M to 34Y of these Rules.

AR(EU)3.2. An application for administrative review under this Appendix is decided when:

- (a) It is rejected as invalid because it does not meet the requirements of paragraph 34N to 34S of these Rules;
- (b) It is withdrawn in accordance with paragraph 34X of these Rules; or
- (c) The notice of outcome is served in accordance with Appendix SN.”.

### **Changes to Appendix B**

- B1. In paragraph 6(ii)(2), for “an original” substitute “a”.
- B2. In paragraph 7(ii)(1), delete “original”.
- B3. In paragraph 7(ii)(2), delete “original”.
- B4. In paragraph 7(ii)(2)(e), delete “original”.
- B5. In paragraph 7(iii), delete “original”.
- B6. In paragraph 8(iii), for “an original” substitute “a”.
- B7. In paragraph 8(iv), delete “original”.

### **Changes to Appendix C**

- C1. In paragraph 1B(d), for “an original” substitute “a”.
- C2. For paragraph 11(b), substitute:
  - “(b) where the applicant:
    - (i) is sponsored by a sponsor with Tier 4 Sponsor status, and
    - (ii) is a national of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H, and
    - (iii) is applying for entry clearance in in the country or territory where they are living, or leave to remain in the UK, and

- (iv) confirms that the funds are available to them in the specified manner.

The Home Office reserves the right to request the specified documents in paragraph 1B above from these applicants to support this confirmation. The application will be refused if the specified documents are not provided in accordance with the request made.”.

C3. In paragraph 13B(a), delete “original (or notarised copy)”.

C4. In paragraph 13C(b), for “an original” substitute “a”.

C5. For paragraph 16(b), substitute:

“(b) where the applicant:

- (i) is sponsored by a sponsor with a Tier 4 Sponsor status, and
- (ii) is a national of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H, and
- (iii) is applying for entry clearance in in the country or territory where they are living, or leave to remain in the UK, and
- (iv) confirms that the funds are available to them in the specified manner.

The Home Office reserves the right to request the specified documents in paragraph 1B above from these applicants to support this confirmation. The application will be refused if the specified documents are not provided in accordance with the request made.”.

C6. In paragraph 19(b)(iii), delete “original (or notarised copy, although the Home Office reserves the right to request the original)”.

C7. In paragraph 21B(b), for “an original” substitute “a”.

### **Changes to Appendix E**

E1. For paragraph (j), substitute:

“(j) In all cases the applicant must provide the specified documents as set out in paragraph 1B of Appendix C, unless the applicant:

- (i) is applying at the same time and location as the Relevant Points Based System Migrant who is a Tier 4 (General) Student sponsored by a sponsor with Tier 4 Sponsor status, and

- (ii) is a national of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H, and
- (iii) is applying for entry clearance in the country where they are living, or leave to remain in the UK, and
- (iv) confirms these requirements are met,

in which case the specified documents shall not be required. The Home Office reserves the right to request the specified documents from these applicants. The application will be refused if the specified documents are not provided in accordance with the request made.”.

### Changes to Appendix EU

EU1. At the beginning of Appendix EU, for “**phased implementation – see Statement of Changes Cm 9675**” substitute “**phased implementation – see Statement of Changes HC 1534**”.

EU2. In paragraph EU11., for conditions 1 to 3 in the table, substitute:

“

1.	(a) The applicant is (i) a relevant EU citizen, (ii) a <b>family member of a relevant EU citizen</b> or (iii) a <b>family member who has retained the right of residence</b> by virtue of a relationship with a relevant EU citizen; and (b) The applicant has a <b>documented right of permanent residence</b> ; and (c) No <b>supervening event</b> has occurred
2.	(a) The applicant is (i) a relevant EU citizen, (ii) a family member of a relevant EU citizen or (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EU citizen; and (b) There is <b>valid evidence of their indefinite leave to enter or remain</b>
3.	(a) The applicant is (i) a relevant EU citizen, (ii) a family member of a relevant EU citizen or (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EU citizen; and (b) The applicant has completed a <b>continuous qualifying period</b> of five years in any (or any combination) of those categories; and (c) Since then no supervening event has occurred

”.

EU3. For paragraph EU12., substitute:

“EU12. The applicant meets the eligibility requirements for indefinite leave to remain as a **family member of a qualifying British citizen**, or as a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen, where the decision-maker is satisfied, including by the required



evidence of family relationship, that, at the date of application, one of conditions 1 to 4 set out in the following table is met:

Condition	Is met where:
1.	(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) The applicant has a documented right of permanent residence; and (c) No supervening event has occurred
2.	(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) There is valid evidence of their indefinite leave to enter or remain
3.	(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) The applicant has completed a continuous qualifying period of five years in either (or any combination) of those categories; and (c) The applicant was, for any period of residence as a family member of a qualifying British citizen relied upon under sub-paragraph (b), in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was a qualified person under regulation 6); and (d) Since completing the continuous qualifying period of five years, no supervening event has occurred
4.	(a) The applicant is a child under the age of 21 years of the spouse or civil partner of the qualifying British citizen (and the marriage or civil partnership was formed before the specified date); and (b) The applicant is in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is a qualified person under regulation 6); and (c) The spouse or civil partner has been or is being granted indefinite leave to remain under this Appendix

”.

EU4. For paragraph EU13., substitute:

“EU13.(1) Where an applicant meets condition 1 in the table in paragraph EU12, the applicant is deemed also to meet condition 1 in the table in paragraph EU11.

(2) Where an applicant meets condition 2 in the table in paragraph EU12, the applicant is deemed also to meet condition 2 in the table in paragraph EU11.

(3) The reference to the applicant completing a continuous qualifying period of five years:

- In condition 3 in the table in paragraph EU12 can include a period (or combination of periods) during which the applicant was a relevant EU citizen, a family member of a relevant EU citizen or a family member who has retained the right of residence by virtue of a relationship with a relevant EU citizen before becoming the family member of a qualifying British citizen; and
- In condition 3 in the table in paragraph EU11 can include a period during which the applicant was a family member of a qualifying British citizen or a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen before becoming (as the case may be) a relevant EU citizen, a family member of a relevant EU citizen or a family member who has retained the right of residence by virtue of a relationship with a relevant EU citizen.”.

EU5. In paragraph EU14., for the table, substitute:

“

Condition	Is met where:
1.	(a) The applicant is (i) a relevant EU citizen, (ii) a family member of a relevant EU citizen or (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EU citizen; and (b) The applicant is not eligible for indefinite leave to remain under this Appendix solely because they have completed a continuous qualifying period of less than five years
2.	A or B applies:
A.	(a) The applicant is (i) a family member of a qualifying British citizen and is in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is a qualified person under regulation 6), or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) In either case, the applicant is not eligible for indefinite leave to remain under this Appendix solely because they have completed a continuous qualifying period of less than five years
B.	(a) The applicant is a child under the age of 21 years of the spouse or civil partner of the qualifying British citizen (and the marriage or civil partnership was formed before the specified date); and (b) The applicant is in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is a qualified person under regulation 6); and (c) The spouse or civil partner has been or is being granted limited leave to remain under this Appendix

”.

EU6. In Annex 1, for the entry for ‘required application process’ in the table substitute:

“

required application process	the relevant on-line application form and the relevant process set out in that form for providing the required proof of identity and nationality
------------------------------	--

”.

EU7. In Annex 1, in sub-paragraph (a) of the definition of ‘required evidence of family relationship’ in the table, after “the relevant EU citizen” insert “(or of the qualifying British citizen)”.

EU8. In Annex 1, in sub-paragraph (b) of the definition of ‘required evidence of family relationship’ in the table, after “the relevant EU citizen” insert “(or of the qualifying British citizen)”.

EU9. In Annex 1, for the entry for ‘required proof of identity and nationality’ in the table substitute:

“

required proof of identity and nationality	<p>(a) (in the case of an EU citizen or, where they applied before 1 November 2018, a non-EU citizen) their valid passport; or</p> <p>(b) (in the case of an EU citizen who applied before 1 November 2018) their valid national identity card; or</p> <p>(c) (in the case of an Irish citizen who applied before 1 November 2018) their full birth certificate from Ireland or other official documentation which satisfies the decision-maker of their identity and Irish nationality; or</p> <p>(d) (in the case of a non-EU citizen) their valid <b>specified relevant document</b> or, where they applied before 1 November 2018, their valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007),</p> <p>unless (in the case of any application made before 1 November 2018) the decision-maker agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons</p> <p>in addition, ‘valid’ here means that the document is genuine and has not expired or been cancelled or invalidated</p>
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”.

## **Changes to Appendix FM-SE**

- FM-SE1. Delete paragraph D(b)(i)(cc).
- FM-SE2. Delete paragraph D(d)(ii).
- FM-SE3. In paragraph D(d)(iii)(3), delete “The decision-maker reserves the right to request the specified original document(s) in the correct format in all cases where sub-paragraph (b) applies, and to refuse applications if this material is not provided as set out in sub-paragraph (b)”.
- FM-SE4. In paragraph A1(1)(bb)(i) delete “original”.
- FM-SE5. Delete paragraph A1(1)(h).
- FM-SE6. In paragraph A1(1)(j), for “the original” insert “document in the original language”.
- FM-SE7. In paragraph A1(1)(j)(i), delete “original”.
- FM-SE8. In paragraph A1(1)(j)(ii), delete “original”.
- FM-SE9. In paragraph 9(b)(vii)(3), for “Original proof” substitute “Proof”.
- FM-SE10. In paragraph 30(b), for “An original” substitute “A”.
- FM-SE11. In paragraph 31(b)(i), delete “original”.
- FM-SE12. In paragraph 31(b)(i)(5), delete “original”.
- FM-SE13. In paragraph 31(b)(ii), delete “original”.
- FM-SE14. In paragraph 31(b)(ii)(5), delete “original”.
- FM-SE15. In paragraph 31(c), for “an original” substitute “a”.

## **Changes to Appendix KoLL**

- KoLL1. For paragraph 2.1 substitute: “2.1 An applicant for indefinite leave to enter or remain has sufficient knowledge of the English language and about life in the United Kingdom if they meet the requirements set out in paragraphs 2.2 and 2.3. They do not need to satisfy the requirements in 2.2 and 2.3 where the exceptions set out in Part 3 apply of this Appendix.”.
- KoLL2. In paragraph 2.2(a)(iii) for “the applicant has obtained an academic

qualification (not a professional or vocational qualification) which” substitute “the applicant has obtained an academic qualification (not a professional or vocational qualification) which either:

(1) is a UK Bachelor’s degree, Master’s degree or PhD; or

(2)”.

KoLL3. In paragraph 3.1(c) after “fulfil” insert “either or both parts of”.

KoLL4. Delete paragraph 4.3(ii).

KoLL5. Delete paragraph 4.5(ii).

KoLL6. In paragraph 4.10(b), for “an original” substitute “a”.

KoLL7. After paragraph 4.10 insert:

“4.10A The evidence specified for the purposes of paragraph 2.2(a)(iii)(1) is:

(a) a certificate issued by the relevant institution confirming the award of the academic qualification and showing:

- (i) the applicant’s name,
- (ii) the title of the award,
- (iii) the date of the award,
- (iv) the name of the awarding institution

or,

(b) where an applicant has not, at the date of application, formally graduated or no longer has his or her certificate and is unable to obtain a duplicate certificate:

(i) an academic reference from the institution awarding the academic qualification that:

- (a) is on official letter headed paper,
- (b) shows the applicant’s name,
- (c) shows the title of the award,
- (d) states when the academic qualification was (or as the case may be, will be) awarded,

and

(e) confirms that the institution is unable to issue a duplicate certificate of award or (as the case may be in respect of an applicant who has not yet graduated) the date on which the certificate will be issued,

or

- (ii) an academic transcript that;
  - (a) is on official letter headed paper,
  - (b) shows the applicant's name,
  - (c) shows the name of the academic institution,
  - (d) shows the course title, and
  - (e) confirms the award given.”.

KoLL8. In paragraph 4.11 after “2.2(a)(iii)” insert “(2)”.

KoLL9. In paragraph 4.11(b)(i), delete “original”.

KoLL10. In paragraph 4.11(b)(ii), delete “original”.

KoLL11. After paragraph 4.13 insert:

“4.13ZA The information or evidence specified for the purposes of requesting an exception under Paragraph 3.1(c) of this appendix is to be provided on a copy of the form published on GOV.UK for this purpose which must be completed by a professional who is either:

- (a) the applicant's GP or a GP based in the practice with which the applicant is normally registered; or
- (b) a General Medical Council (GMC) registered consultant

who has met with the applicant in person, assessed their ability to fulfil the requirements set out in this appendix, and supports their request for an exception from either or both elements of KOLL on the basis that they have a condition which would prevent them from satisfying the requirements for the foreseeable future.”.

### **Change to Appendix SN**

SN1. In paragraph SN1.1, in the definition of ‘administrative review’ after “as defined in Appendix AR” insert “or Appendix AR (EU)”.



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